

FREEMAN, NOOTER & GINSBERG

ATTORNEYS AT LAW

LOUIS M. FREEMAN
THOMAS H. NOOTER*
LEE A. GINSBERG

75 MAIDEN LANE
SUITE 503
NEW YORK, N.Y. 10038

NADJIA LIMANI
OF COUNSEL

(212) 608-0808
TELECOPIER (212) 962-9696

CHARLENE RAMOS
OFFICE MANAGER

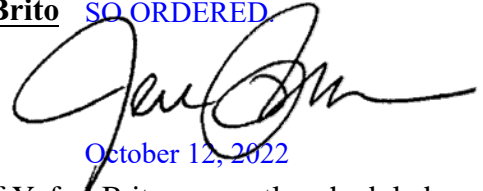
October 12, 2022

Application GRANTED. Sentencing is hereby ADJOURNED to December 7, 2022, at 10:00 a.m. in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York 10007. That is a **firm** date.

Hon. Jesse M. Furman
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Consistent with the Court's Rules, the defendant's sentencing submission shall be served two weeks in advance of the date set for sentencing. The Government's sentencing submission shall be served one week in advance of the date set for sentencing. The Clerk of court is directed to terminate Doc. #253.

Re: United States v. Yefrel Brito SO ORDERED
19 CR 625 (JMF)



Dear Judge Furman:

October 12, 2022

We write to request an adjournment of the sentence of Yefrel Brito, currently scheduled for October 20, 2022. This is the fifth request for an adjournment of sentence, all of which have been granted. The defense will be ready to proceed to sentence on the adjourned date and will not seek any further adjournments.

The reason for this request is that lead counsel for Mr. Brito, Elizabeth Macedonio, has continuously been on trial since mid-June 2022 and has not had the opportunity to assist with the preparation for sentence and the drafting of the defendant's presentence memorandum.

The case that started in mid-June and ended in late July was *People v. Cruciani* in state court before Judge Michelle Rodney. Immediately following the Cruciani case Ms. Macedonio began trial in *United States v. Ross*, 18 CR 609, before Judge Gonzales in the Eastern District of New York. It is anticipated that the trial will end during the week of 10/17/22.

Accordingly, we request the Brito sentence be adjourned to the week of December 5, 2022 but not 12/6/22 and 12/9/22. The defendant's sentencing memorandum would be filed by November 21, 2022 and the government's sentencing memorandum would be filed by November 21, 2022.

We contacted the government for its position on the adjournment request. It's response follows: Given that the sentencing date in this case has been adjourned numerous times since the defendant pleaded guilty in June 2021, the Government previously told defense counsel that it would begin objecting to further adjournments of sentencing. As a result, the Government respectfully objects to the continued adjournment of sentencing and requests that the Court order a firm sentencing date.

Sincerely,

/s/ *Louis M. Freeman*
Louis M. Freeman